

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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**In re: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE LITIGATION**

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) **MDL No. 1456**  
) **Master File No. 01-CV-12257-PBS**  
)

) **Hon. Patti B. Saris**  
)

**THIS DOCUMENT RELATES TO:**

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)  
) *United States of America ex rel. Ven-A-Care of the*  
) *Florida Keys, Inc., et al. v. Dey, Inc., et al.,*  
) Civil Action No. 05-11084-PBS  
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**DECLARATION OF SARAH L. REID IN OPPOSITION TO THE  
UNITED STATES' MOTION FOR A PROTECTIVE ORDER RELATING TO THE  
REQUESTS BY THE DEY DEFENDANTS FOR DEPOSITIONS UNDER RULE 30(B)(6)**

**SARAH L. REID** declares, pursuant to 28 U.S.C. § 1746, that:

1. I am a member of the law firm of Kelley Drye & Warren LLP, counsel to Dey, Inc., Dey L.P., Inc., and Dey L.P. (collectively "Dey"). I am admitted to practice law in the State of New York and have been admitted *pro hac vice* in this action.

2. I make this Declaration in support of Dey's Opposition to the United States' Motion for a Protective Order Relating to the Requests by the Dey Defendants for Depositions Under Rule 30(b)(6).

3. I make this declaration from my own personal knowledge of the facts and circumstances set forth herein. The source of my knowledge is my review of Kelley Drye & Warren LLP's files with respect to this litigation, including my review of the documents annexed as exhibits hereto.

4. Attached hereto as Exhibit A is a true and correct copy of a letter from Neil Merkl to George B. Henderson, dated April 11, 2008, setting forth Dey's proposed Rule 30(b)(6) deposition topics.

5. Attached hereto as Exhibit B is a true and correct copy of a letter from Sarah L. Reid to Laurie A. Oberembt, dated May 13, 2008, setting forth the understanding reached by the parties during a meet and confer telephone conference on May 9, 2008

6. Attached hereto as Exhibit C is a true and correct copy of a report prepared by the Department of Health and Human Service Office of Inspector General entitled "Cost Containment of Medicaid HIV/AIDS Drug Expenditures" (OEI-05-99-00611) (July 2001).

7. Attached hereto as Exhibit D is a true and correct copy of the agency comments from Kerry Weems, Acting Administrator of the Centers for Medicare and Medicaid Services, to Daniel R. Levinson, Inspector General of the Department of Health and Human Services, dated October 4, 2007, regarding the Office of Inspector General's Draft Report: "Review of the Relationship between Medicare Part D Payments to Local, Community Pharmacies and the Pharmacies' Drug Acquisition Costs" (A-06-07-00107).

8. Attached hereto as Exhibit E is a true and correct copy of the Department of Health and Human Services Office of Inspector General's Compliance Program Guidance for Pharmaceutical Manufacturers, dated April 18, 2003 (68 Fed. Reg. 23731-43).

9. Attached hereto as Exhibit F is a true and correct copy of the United States' First Amended Cross-Notice of Deposition of Dey, dated April 4, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 19, 2008.

/s Sarah L. Reid  
**SARAH L. REID**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on June 19, 2008, a copy to LexisNexis File & Serve for posting and notification to all parties.

\_\_\_\_\_/s Sarah L. Reid